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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,711	09/22/2003	Barry W. Hutzel	DON01 P-1115	2216
28101	7590	04/19/2005	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695			SHAFFER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

# Office Action Summary

Application No.

10/668,711

Applicant(s)

HUTZEL ET AL.

Examiner

Ricky D. Shafer

Art Unit

2872

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 110-134 is/are pending in the application.
- 4a) Of the above claim(s) 111-122 and 125-134 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 110, 123 and 124 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 24, 2005 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 110, 123 and 124 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Lin ('496).

Lin discloses an interior rearview mirror system for a vehicle comprising a rearview mirror assembly (1) including a mirror casing (11,12) having a reflective element (adjacent element 11), a recessed portion (124) and a support (113) for mounting said mirror casing to a header portion or windshield portion of a vehicle; and an information display (3) repositionable between a viewing position, when said information display extends from said recessed portion of said mirror casing, and a non-viewing position, when said information display is fully retracted into said recessed portion of said mirror casing, wherein said information display comprises an emitting diode display (450) and from an output of a computer display (430) due to the fact that the display includes a CPU, note figures 1-3 and 5-9, along with the associated description

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thereof, except for explicitly stating that the information display is pivotal about a generally vertical axis.

It is well known to use adjustment means, such as a typical ball and socket joint as is commonly used and employed, in the same field of endeavor for the purpose of adjusting the vertical position of an interior rear view mirror assembly so as to accommodate for different size drivers and/or different driver's rearward viewing preferences.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the attachment means of element 113 to element 12, as shown in Fig. 1 of Lin, to include typical adjustment means, such as a typical ball and socket joint as is commonly used and employed in the mirror art, in order to adjust the vertical position of said interior rear view mirror assembly, which in turn would adjust said information display, so as to accommodate for different size drivers and/or different driver's rearward viewing preferences.

Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the attachment means of element 113 to element 12, as shown in Fig. 1 of Lin, to include typical adjustment means, such as a typical ball and socket joint as is commonly used and employed in the mirror art, in order to adjust the vertical position of said interior rear view mirror assembly, which in turn would adjust said information display, so as to accommodate for different size drivers and/or different driver's rearward viewing preferences, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. Note: In re Stevens, 101 USPQ 28 (CCPA 1954).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The exemplary references to U.S. Patent 3,367,616 to Bausch et al., U.S. Patent 5,321,556 to Joe, U.S. Patent 5,966,255 to Mochizuki et al., and U.S. Patent 6,068,380 to Lynn et al. each teach it is well known and conventional to use a typical ball and socket joint for the provision of adjustability.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

April 17, 2005

  
**RICKY D. SHAFER**  
**PATENT EXAMINER**  
**ART UNIT 2507 2872**